

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIM. NO. AMD 07-0414
	:	CIV. NO. AMD 09-1187
MARCUS CRANDELL	:	
	...o0o...	

MEMORANDUM

Movant, Marcus Crandell, represented by counsel, entered into a plea agreement pursuant to which he pled guilty to Count Three of a superceding federal indictment, “brandishing a firearm during a crime of violence,” 18 U.S.C. §924(c), as well as to murder in state court. He received the expected 30 year mandatory minimum sentence in this court, and a concurrent 30 year sentence on the murder charge. Crandell was a principal in the first degree in a residential arson and, several weeks later, the shooting death of the resident who had escaped death in the arson and who had been subpoenaed to testify against Crandell in the arson. Now pending is Crandell’s timely motion (under the prison mail box rule) to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255, to which the government has filed its opposition.

In solely conclusory terms, Crandell alleges that the indictment was defective, that there was prosecutorial misconduct, i.e., withholding of exculpatory evidence, that his attorney provided ineffective assistance, and finally, that his guilty plea was not knowing and voluntary. Again, there is not the slightest factual support for these conclusory allegations. It seems clear that Crandell, having received the benefit of a global settlement of the serious charges against him by virtue of his comprehensive plea agreement, has simply taken

someone's advice to file a last minute motion to vacate. But as the government correctly contends, Crandell has not come close to alleging facts which if proven would entitled him to relief.

Accordingly, the motion to vacate shall be denied. An order follows.

Filed: September 8, 2009

/s/

ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE